

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**ADENIS ENRIQUE PRIETO
REFUNJOL, *et al.*,**

: **Case No. 2:20-cv-2099**

Plaintiffs,

v.

**Judge Sarah D. Morrison
Magistrate Judge Chelsey M. Vascura**

**DIRECTOR ICE REBECCA
ADDUCCI, *et al.*,**

:

Defendants.

ORDER

On April 24, 2020, Petitioners filed a Petition for Writ of Habeas Corpus and Motion for Temporary Restraining Order (“TRO”) seeking the release of three individuals (the “Original Petitioners”) from the custody of Immigration and Customs Enforcement (“ICE”). (ECF Nos. 1, 2.) On April 27, 2020, the Court granted the motion, issued the TRO, ordered the temporary release of the Original Petitioners, and scheduled a preliminary injunction hearing for May 11, 2020, at 1:30pm. (ECF No. 8.)

On May 5, 2020, Petitioners filed an Amended Petition in which they added twenty additional petitioners (the “Additional Petitioners”), all of whom are detained by ICE at the Morrow County Jail (“Morrow”). (ECF No. 14.) Petitioners simultaneously filed a second Motion for TRO seeking the release of the Additional Petitioners. (ECF No. 15.) In short, the Additional Petitioners all allege that they are infected with COVID-19¹ and that their infection cannot be adequately treated or prevented from worsening while detained at Morrow.

¹ As the Court understands the current state of the facts, some individuals have had inconclusive or negative tests but are being treated as presumptive positive cases. The Court does not pass judgment on the correctness of these decisions at this time.

On May 6, 2020, the Court held a preliminary conference (the “Conference”) on the second Motion pursuant to Local Rule 65.1. (ECF No. 29.) At the conclusion of the Conference, the Court found that, for a variety of reasons, Petitioners had not at this time met their burden to prove the necessity of a TRO with respect to the Additional Petitioners. Accordingly, the second Motion for TRO is **DENIED without prejudice**. The Court will consider the propriety of a preliminary injunction for the Additional Petitioners in conjunction with the Original Petitioners at the previously-scheduled hearing on May 11.

In the meantime, should Petitioners learn new facts that would materially alter the analysis, or should the facts known to Petitioners materially change, they may request emergency relief prior to Monday’s hearing for some or all Additional Petitioners. As emphasized at the Conference, however, the parties are encouraged to discuss whether any of the Original Petitioners or Additional Petitioners can be released on a temporary basis by mutual agreement.

IT IS SO ORDERED.

/s/ Sarah D. Morrison
SARAH D. MORRISON
UNITED STATES DISTRICT JUDGE